

# **EXHIBIT 3**

**Peter G. Hermes**

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**From:** Molton, David J. <DMolton@brownrudnick.com>  
**Sent:** Friday, March 07, 2014 9:19 AM  
**To:** Peter G. Hermes  
**Cc:** Scott S. Spearing; Frederick H. Fern (FFern@HarrisBeach.com); Gottfried, Michael R. (MRGottfried@duanemorris.com)  
**Subject:** RE: NECC Joint Status Report

Peter: I would contact Mike Gottfried of the Trustee's counsel and address your inquiry directly with him. I have cc'd Mike as well as Rick Fern, the Trustee's special litigation counsel.

Best,

**David J. Molton**  
Counselor at Law

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**From:** Peter G. Hermes [<mailto:pghermes@hermesnetburn.com>]  
**Sent:** Friday, March 07, 2014 8:00 AM  
**To:** Molton, David J.  
**Cc:** Scott S. Spearing  
**Subject:** NECC Joint Status Report

Mr. Moulton:

I represent Liberty Industries, Inc. ("Liberty"), a creditor of NECC and an unaffiliated defendant in this matter. Liberty is alleged to have breached certain duties relating to the design, manufacture and installation of certain cleanrooms in which MPA may have been compounded. NECC presumably has in its possession documents relevant to those claims.

Footnote 11 to the Report served on Wednesday states, in part, "[T]he Trustee . . . has provided informal discovery to the PSC **and the non-affiliated defendants** through sixteen separate productions, encompassing over 5,900 documents and over 42,000 pages" (emphasis added).

Because I am new to this matter, I am not aware when, how or in what manner the Trustee has made documents available to the non-affiliated defendants. Would you enlighten me so I may make arrangements to obtain and review those documents?

Peter G. Hermes

Hermes, Netburn, O'Connor & Spearing, P.C.



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